

## IN THE CLAIMS

Amend the claims to read:

1-25 *previously cancelled*

26. (*currently amended*) A stable, aqueous personal care or cosmetic formulation comprising:

a) a cationic starch-encapsulated hydrophobic material compound, wherein said hydrophobic material compound comprises a sun-screen active ingredient; and

b) water,

wherein said starch-encapsulated hydrophobic material compound is essentially non-separable in said personal care or cosmetic aqueous formulation and the formulation is surfactant-free.

27. (*currently amended*) The aqueous formulation of claim 26, wherein said starch-encapsulated hydrophobic material compound is formed by jet cooking a mixture of the starch and the hydrophobic material compound.

28. (*currently amended*) The aqueous formulation of claim 26 comprising from 0.5 to 25 percent by weight of said starch-encapsulated hydrophobic material compound.

29. (*previously added*) The aqueous formulation of claim 26 comprising at least 10 percent by weight of water.

30. (*previously added*) The aqueous formulation of claim 26 comprising at least 20 percent by weight of water.

31. (*previously added*) The aqueous formulation of claim 26 comprising at least 40 percent by weight of water.

32. (*currently amended*) A stable, aqueous personal care or cosmetic formulation comprising:

a) a cationic starch-encapsulated hydrophobic material compound;

b) water,

wherein said starch-encapsulated hydrophobic material compound is essentially non-separable in said personal care or cosmetic aqueous formulation and the formulation is surfactant-free.

33. *(currently amended)* The aqueous formulation of claim 32 wherein said hydrophobic material compound is selected from the group consisting of mineral oils, oils of plant and animal origin, synthetic oils, fats, lipids, fatty acids, fatty alcohols, esters, ethers, wax, jojoba oil, soybean oil, silicones, vitamins, vitamin A, vitamin D, vitamin E, and vitamin K, fragrances, emollients, petrolatum, pigments, water-insoluble polymers, anti-perspirants, sun screen actives, benzophenone-3 (oxybenzone), octyl methoxy cinnamate, water insoluble solvents, insect repellants, and mixtures thereof.
34. *(currently amended)* The aqueous formulation of claim 32, wherein said starch-encapsulated hydrophobic material compound is formed by jet cooking a mixture of the starch and the hydrophobic material compound.
35. *(currently amended)* The aqueous formulation of claim 32 comprising from 0.5 to 25 percent by weight of said starch-encapsulated hydrophobic material compound.
36. *(previously added)* The aqueous formulation of claim 32 comprising at least 10 percent by weight of water.
37. *(previously added)* The aqueous formulation of claim 32 comprising at least 20 percent by weight of water.
38. *(previously added)* The aqueous formulation of claim 32 comprising at least 40 percent by weight of water.
39. *(currently amended)* A stable, aqueous personal care or cosmetic formulation comprising:
- a) a cationic starch-encapsulated hydrophobic material compound;
  - b) a preservative; and
  - c) water,

wherein said starch-encapsulated hydrophobic material compound is essentially non-separable in said personal care or cosmetic aqueous formulation and the formulation is surfactant-free.

40. *(currently amended)* The aqueous formulation of claim 39 wherein said hydrophobic material compound is selected from the group consisting of mineral oils, oils of plant and animal origin, synthetic oils, fats, lipids, fatty acids, fatty alcohols, esters, ethers, wax, jojoba oil, soybean oil, silicones, vitamins, vitamin A, vitamin D, vitamin E, and vitamin K, fragrances, emollients, petrolatum, pigments, water-insoluble polymers,

anti-perspirants, sun screen actives, benzophenone-3 (oxybenzone), octyl methoxy cinnamate, water insoluble solvents, insect repellants, and mixtures thereof.

41. *(currently amended)* The aqueous formulation of claim 39, wherein said starch-encapsulated hydrophobic material ~~compound~~ is formed by jet cooking a mixture of the starch and the hydrophobic material ~~compound~~.
42. *(currently amended)* The aqueous formulation of claim 39 comprising from 0.5 to 25 percent by weight of said starch-encapsulated hydrophobic material ~~compound~~.
43. *(previously added)* The aqueous formulation of claim 39 comprising at least 10 percent by weight of water.
44. *(previously added)* The aqueous formulation of claim 39 comprising at least 20 percent by weight of water.
45. *(previously added)* The aqueous formulation of claim 39 comprising at least 40 percent by weight of water.
46. *(currently amended)* A method for applying one or more cosmetic or personal care active ingredients to the skin or hair comprising:
  - a) forming a surfactant-free, stable, aqueous personal care or cosmetic formulation comprising a cationic starch-encapsulated hydrophobic material ~~compound~~ containing a personal care or cosmetic active ingredient, wherein said starch-encapsulated material ~~compound~~ is essentially non-separable in said personal care or cosmetic aqueous formulation; and
  - b) applying said personal care or cosmetic formulation to the skin or the hair, whereby the starch-encapsulated material ~~compound~~ is broken by mechanical energy to release the active ingredient onto the skin or hair.
47. *(currently amended)* The method of claim 46, wherein said hydrophobic material ~~compound~~ is selected from the group consisting of mineral oils, oils of plant and animal origin, synthetic oils, fats, lipids, fatty acids, fatty alcohols, esters, ethers, wax, jojoba oil, soybean oil, silicones, vitamins, vitamin A, vitamin D, vitamin E, and vitamin K, fragrances, emollients, petrolatum, pigments, water-insoluble polymers, anti-perspirants, sun screen actives, benzophenone-3 (oxybenzone), octyl methoxy cinnamate, water insoluble solvents, insect repellants, and mixtures thereof.

48. (*currently amended*) The aqueous formulation of claim 46, wherein said starch-encapsulated hydrophobic material ~~compound~~ is formed by jet cooking a mixture of the starch and the hydrophobic material ~~compound~~.

## STATUS OF THE CLAIMS

Claims 26-48 were pending.

Claims 26-48 have been rejected under 35 U.S.C. § 112 for indefiniteness.

Claims 26-28, 39-42 and 46-48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eskins, et al. (US 5,676,994) in view of Macaulay (US 6,362,146).

Claims 29-31 and 43-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eskins, et al. (US 5,676,994) in view of Macaulay (US 6,362,146) and further in view of Ashley ("Sunburn and Sunscreen Preparations", Poucher's Perfumes, Cosmetics and Soaps).

Claims 32-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eskins, et al. (US 5,676,994) in view of Van Soest (US 6,340,527) and Fletcher, et al. (US 6,261,543).

Claims 36-38 have been rejected as being unpatentable over Eskins, et al. (US 5,676,994) in view of Van Soest (US 6,340,527) and in further view of Ashley ("Sunburn and Sunscreen Preparations", Poucher's Perfumes, Cosmetics and Soaps).

Claims 26-28, 32-35, 39-42 and 46-48 have been amended.

Claims 26-48 are presented for reconsideration.